In the Claims:

Please cancel claims 29-41, 46-75, and 78-141, the claims withdrawn from prosecution due to a Restriction Requirement, without prejudice to Applicants.

Please cancel claims 2-3.

1. (Currently amended) An isolated or recombinant nucleic acid comprising a polynucleotide sequence having ~~at least about 70%~~ greater than 91.6% identity to SEQ ID NO:1, wherein the sequence is distinct from EST Accession no. AA098865, which is TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGG CGGATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACG CTCGTGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37).

2. (Cancelled)

3. (Cancelled)

4. (Currently amended) The isolated or recombinant nucleic acid of claim 1, having at least ~~about~~ 95% identity to SEQ ID NO. 1.

5. (Currently amended) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than ~~about~~ 50 kB.

6. (Currently amended) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than ~~about~~ 25 kB.

7. (Currently amended) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than ~~about~~ 10 kB.

8. (Currently amended) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than ~~about~~ 5 kB.

9. (Currently amended) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is less than ~~about~~ 2.5 kB.

10. (Currently amended) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is ~~between about 2.5 kB and 1 kB, 1kB and 0.5 kB, 0.5 kB and 0.25 kB and 0.1 kB and 15 base pairs~~ from 15 base pairs to 2.5 kB in length.

11. (Original) The isolated or recombinant nucleic acid of claim 1, wherein the sequence is selected from:

(a) SEQ ID NO: 1;

(b) SEQ ID NO: 1, wherein one or more T's are U;

(c) nucleic acid sequences complementary to (a) or (b); and

(d) subsequences of either a, b or c that are at least 25 base pairs long.

12. (Original) The isolated or recombinant nucleic acid of claim 1,wherein the sequence is attached to a substrate.

13. (Currently amended) A composition comprising ~~The isolated or recombinant nucleic acid of claim 1, wherein the sequence comprises~~ a plurality of sequences, each of claim 1, attached to a substrate.

14. (Currently amended) The ~~isolated or recombinant nucleic acid~~ composition of claim 13, wherein the sequences are attached at defined positions of the substrate.

15. (Currently amended) An isolated nucleic acid that hybridizes to the sequence set forth as SEQ ID NO:1 under stringent hybridization conditions, wherein the nucleic acid is distinct from Accession no. AA098865, which is TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGG CGGATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACG CTCGTGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37).

16. (Currently amended) The isolated nucleic acid of claim 15, wherein the sequence has a length of ~~about~~ 12-30, 30-50, 50-100, 100-250, 500-1000, 1000-2500, 2500-5000 or 5000-10000 base pairs.

17. (Currently amended) An expression cassette, comprising a polynucleotide sequence having ~~at least about 70%~~ greater than 91.6% identity to SEQ ID NO:1 operably linked to an expression control element.

18. (Original) The expression cassette of claim 17, wherein the expression control element comprises a promoter or enhancer.

19. (Original) The expression cassette of claim 17, wherein the expression control element is constitutive, inducible, tissue-specific or developmentally related.

20. (Original) The expression cassette of claim 17 further comprising a vector.

21. (Original) The expression cassette of claim 20, wherein the vector confers expression in bacteria, plant, insect, mammalian, or yeast cell.

22. (Original) The expression cassette of claim 20, wherein the vector comprises a viral vector.

23. (Currently amended) The expression cassette of claim 22, wherein the viral vector is an adenovirus~~, retrovirus, adenovirus, adeno-associated virus, lentivirus, reovirus, rotavirus, herpes simplex virus, parvovirus, papillomavirus or cytomegalovirus~~.

24. (Original) The expression cassette of claim 17, wherein the polynucleotide sequence encodes a polypeptide that inhibits apoptosis or an antisense that stimulates or induces apoptosis.

25. (Original) The expression cassette of claim 24, wherein the polypeptide comprises SEQ ID NO: 2.

26. (Original) A transformed cell comprising a nucleic acid of claim 1.

27. (Original) The transformed cell of claim 26, wherein the cell is a bacteria, plant, insect, mammalian or yeast cell.

28. (Currently amended) The transformed cell of claim 26, where the cell is a mammalian cell and where the mammalian cell is human.

29.-41. (Cancelled)

42. (Currently amended) An isolated or recombinant nucleic acid having at least ~~about~~ 70% identity to SEQ ID NO:1, which is TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGG CGGATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACG CTCGTGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37), wherein the nucleic acid encodes a polypeptide that modulates apoptosis.

43. (Currently amended) The isolated nucleic acid of claim 42, wherein the nucleic acid has at least ~~about~~ 80% identity to SEQ ID NO:1.

44. (Currently amended) The isolated nucleic acid of claim 42, wherein the nucleic acid has at least ~~about~~ 90% identity to SEQ ID NO:1.

45. (Currently amended) The isolated nucleic acid of claim 42, wherein the nucleic acid has at least ~~about~~ 95% identity to SEQ ID NO:1.

46.-75. (Cancelled)

76. (Currently amended) A method of producing a polypeptide comprising expressing a nucleic acid encoding an amino acid sequence having at least ~~about~~ 65% identity to SEQ ID NO:2.

77. (Original) The method of claim 76, wherein the nucleic acid is expressed in solution, or in a cell *in vitro* or *in vivo*.

78.-141. (Cancelled)

142. (New) An isolated or recombinant nucleic acid comprising a polynucleotide sequence SEQ ID NO:1, wherein the sequence is distinct from EST Accession no. AA098865, which is TCCGCCTACCTCGGCTACCCCGGGAACCGCTTCGAGCTGGTGGCGCTGATGG CGGATTCCGTGCTCTCCGACAGCCCCGGCCCCACCTGGGAGNAGTGGTGACG CTCGTGACCTTCGCAGGGACGCTGCT (SEQ ID NO: 37).

143. (New) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 50 kB.

144. (New) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 25 kB.

145. (New) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 10 kB.

146. (New) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 5 kB.

147. (New) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is less than 2.5 kB.

148. (New) The isolated or recombinant nucleic acid of claim 142, wherein the sequence is from 15 base pairs to 2.5 kB in length.

149. (New) The isolated or recombinant nucleic acid of claim 142,wherein the sequence is attached to a substrate.

150. (New) A composition comprising a plurality of sequences, each of claim 142, attached to a substrate.

151. (New) The composition of claim 150, wherein the sequences are attached at defined positions of the substrate.

152. (New) An expression cassette, comprising the polynucleotide sequence of claim 142 operably linked to an expression control element.

153. (New) The expression cassette of claim 152, wherein the expression control element comprises a promoter or enhancer.

154. (New) The expression cassette of claim 152, wherein the expression control element is constitutive, inducible, tissue-specific or developmentally related.

155. (New) The expression cassette of claim 152 further comprising a vector.

156. (New) The expression cassette of claim 155, wherein the vector confers expression in bacteria, plant, insect, mammalian, or yeast cell.

157. (New) The expression cassette of claim 155, wherein the vector comprises a viral vector.

158. (New) The expression cassette of claim 157, wherein the viral vector is an adenovirus.

159. (New) A transformed cell comprising a nucleic acid of claim 142.

160. (New) The transformed cell of claim 159, wherein the cell is a bacteria, plant, insect, mammalian or yeast cell.

161. (New) The transformed cell of claim 160, where the cell is a mammalian cell and where the mammalian cell is human.

162. (New) A method of producing a polypeptide comprising expressing the nucleic acid of claim 142.

163. (New) The method of claim 162, wherein the nucleic acid is expressed in solution, or in a cell *in vitro* or *in vivo*.